

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

United States of America)

v.)

Brandon Bob Lincoln)

Date of Birth: 09/07/1986)

Case No. 16-MJ-1291

MAR 29 2016

MATTHEW J. DYKMAN
CLERK

Defendant(s)

CRIMINAL COMPLAINT

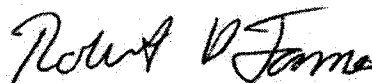
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 20, 2016 in the county of McKinley in the
State and District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18 U.S.C. Section 1112	Involuntary Manslaughter
Title 18 U.S.C. Section 1153	Crimes committed in Indian Country.

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Robert H. James, Criminal Investigator

Printed name and title

Sworn to before me and signed in my presence.

Date: March 29, 2016

Judge's signature

City and state: Farmington, NM

B. Paul Briones, US Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

Brandon B. Lincoln,

Date of Birth: 09/07/1986

Defendant.

Case No.: 16-MJ-1291

AFFIDAVIT IN SUPPORT OF ARREST
WARRANT

I. Introduction

I, the undersigned, being duly sworn, hereby depose and state as follows:

1. I am a Criminal Investigator (CI) of the Navajo Nation Department of Criminal Investigation, and have been employed in that capacity since August 1997. I am currently assigned to the Crownpoint Criminal Investigation District, Crownpoint, New Mexico. I have primary investigative responsibilities in crimes that occur in Indian Country, including violent crimes such as homicides, robbery, arson, assault and sexual assault. The information set forth in this affidavit has been derived from my own investigation, and information communicated to me by other sworn law enforcement officers.

II. Investigative Information

1 1. On March 20, 2016, I, CI ROBERT H. JAMES, received a telephone call from
2 the Navajo Police Department (NPD), Crownpoint Police District Communication, regarding
3 motor vehicle crash. A motor vehicle had crashed into a tree resulting in a fatality at
4 Breadsprings, New Mexico. Your Affiant arrived at the motor vehicle crash scene at milepost
5 4.7 on Breadsprings Road, Breadsprings, McKinley County, New Mexico, which is within
6 the exterior boundaries of the Navajo Nation.

7
8 2. On March 20, 2016, your affiant established contact with NPD Police Officer
9 FRANKLIN BEGAYE. Officer BEGAYE provided the following information.

10 a) The vehicle involved is a Chevrolet truck. The Chevrolet truck was
11 traveling eastbound on Breadsprings Road. There was a male occupant that was partially
12 ejected from the truck's passenger side door window opening. Officer BEGAYE advised the
13 male occupant is deceased and he did not have the deceased male's identity information.
14

15 b) Officer BEGAYE advised that the Breadsprings Fire Department
16 volunteer personnel had performed a short distance perimeter search east of the Chevrolet
17 truck location for possible additional truck occupants but they did not locate any person.
18

19
20 3. On March 20, 2016, while on scene, your Affiant established contact with
21 G.L., year of birth, 1973.

22 a) G.L. advised that earlier today about 7:30 PM, at the junction of
23 Breadsprings Road and Rodeo Road, her nephew, BRANDON BOB LINCOLN, got in the
24 passenger side of the same vehicle that crashed into the tree. The driver of that vehicle
25 looked intoxicated. The driver wore dark sunglasses. She tried to tell her nephew to not go
26 with the intoxicated person but LINCOLN told her he knew the driver and got in. The truck
27 traveled west from the intersection.
28

1 b) G.L. advised that her nephew wore green Carhartt cargo jeans, black t-
2 shirt, black shoes, his hair length is about an inch in length, and he has numerous cigarette
3 burn scars on both arms.
4

5 4. On March 20, 2016, your Affiant observed the location of the vehicle crash
6 scene at approximately thirty yards south of milepost 4.7 Breadsprings Road, just inside the
7 interior of the pinon tree forest line. Your Affiant observed a turquoise/gray Chevrolet four-
8 wheel drive, single cab, long wheel base truck facing in an east direction, nearly up against a
9 large pinon tree. The Chevrolet truck had impact damages to its entire front end, the engine
10 hood, and the windshield. The Chevrolet truck had a New Mexico license plate, 637PSR
11 attached to the rear bumper.
12

13 5. Your Affiant observed a single can of Natural Ice beer, located on the driver
14 side floorboard. Your Affiant observed blood spatters on the passenger side doorsill plate, the
15 passenger side seatbelt housing, the seat, and the passenger side door window rubber
16 molding.
17

18 6. Your Affiant observed a gray blanket that was used to cover JOHN DOE. The
19 deceased body was halfway through the passenger side door opening. JOHN DOE'S
20 waistline was positioned on the bottom of the door window opening. From the waist down to
21 the feet, his body was on the interior side of the door. From the waist up, his body was on
22 the exterior side of the passenger door. The passenger door window's rubber molding was
23 wrapped around JOHN DOE at the left shoulder, which prevented JOHN DOE'S efforts of
24 crawling out the door window opening. JOHN DOE smelled of alcohol/intoxicating beverage
25 on his person.
26

27 7. After a walk through of the scene, your Affiant determined that the Chevrolet
28 truck was traveling eastbound on Breadsprings Road. The truck then entered a curve in the
asphalt roadway, and the driver of the Chevrolet truck failed to negotiate the curve in the

1 roadway. The truck traveled off the roadway onto the dirt area, continued traveling towards
2 the forest tree line, traveled into the forest tree line, and impacted into a large pinon tree.

3
4 8. Officer BEGAYE informed your Affiant that he had located foot tracks in the
5 soft ground, leading in a south direction. Officer BEGAYE and your Affiant tracked the foot
6 tracks to the right-a-way highway fence line, crossed the fence line, and continued tracking.
7 About 70 yards south of the Chevrolet truck, a male person was located lying on the ground.
8 The male person matched the same description provided by G.L. as the driver of the
9 Chevrolet truck. An ambulance was called for the male person, who was later identified as
10 BRANDON BOB LINCOLN.

11
12 9. On March 20, 2016, your Affiant arrived at the Gallup Indian Medical Center
13 (GIMC), and established contact with ANTONIA HERNANDEZ, the GIMC emergency
14 room charge Nurse for LINCOLN. Nurse HERNANDEZ advised in her opinion, LINCOLN
15 was the driver because of his statements; they were driving to the store, his friend told him to
16 turn around. He hit a tree, his friend had crawled out and his friend had died.

17
18 10. After contact with Nurse HERNANDEZ, Officer BEGAYE approached your
19 Affiant, and showed your Affiant his notebook where he had written a numeric value of 321.
20 The 321 is the GIMC emergency room routine medical screening of LINCOLN'S alcohol
21 level at 321 mg/dl. Using a conversion chart from blood serum concentration to calculated
22 blood alcohol, the calculated blood alcohol is 0.27 gms/100ml.

23
24 11. On March 21, 2016, your Affiant established contact with LINCOLN at the
25 emergency room of the GIMC, Gallup, New Mexico. LINCOLN was advised of the identity
26 of the interviewing official as CI JAMES, and purpose of the contact. LINCOLN smelled of
27 alcohol/intoxicating beverage on his person and on his breath.
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1 a) LINCOLN advised he was the driver of the green and gray Chevrolet
2 truck. He had just met his bro, JOHN DOE, today. He does not even know his name. He does
3 not really remember much of what happened. They were going to the store but his bro told
4 him to turn around. He turned around at the top of a hill and began to drive back to the house.
5 He was driving down a hill and the next thing he knows, he hit a tree. It must have happened
6 between 6:00 PM to 7:00 PM.

7
8 b) He saw that JOHN DOE was halfway out the passenger side door
9 window opening. He got out of the truck on the driver side and walked around the truck to
10 the passenger side. He attempted to wake up his bro but he was unresponsive. He knew his
11 bro had passed on. He got scared and walked away from the truck but his knees were hurting,
12 and he laid down on the ground.

13
14 c) He advised that he drank a pint of Fireball liquor and two Budweiser
15 beers during the day.

16
17 12. The vehicle involved is a turquoise/gray Chevrolet single cab, four-wheel
18 drive, long wheel base truck. A New Mexico license plate 637PSR attached to the rear
19 bumper. The VIN is 1GCDK14K9ME191942.

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21 13. Based on the information set forth in this affidavit, your Affiant submits that
22 there is probable cause to believe that on or about March 20, 2016, within the exterior
23 boundaries of the Navajo Indian Reservation, in Indian Country, in McKinley County, in the
24 State and District of New Mexico, BRANDON BOB LINCOLN, a Navajo Indian,
25 unlawfully killed JOHN DOE, a Navajo Indian, while in the commission of an unlawful act
26 not amounting to a felony by violating New Mexico's statute prohibiting persons under the
27 influence of intoxicating liquor, N.M. Stat. Ann. Section 66-8-102 1978, by operating a
28

1 motor while under the influence of intoxicating liquor, in violation of 18 U.S.C. 1153 and 18
2 U.S.C. 1112.

3
4 Robert H. James

5 Robert H. James
6 Criminal Investigator
7 Navajo Nation
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11 Subscribed and sworn to before me
12 this 29 day of March 2016.

13 B. Paul Brer

14 United States Magistrate Judge
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